

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRAD RAFFENSPERGER, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**CURLING PLAINTIFFS' RESPONSE TO COALITION PLAINTIFFS'  
MOTION TO AMEND THE JUDGMENT**

Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”) hereby respond to the Coalition Plaintiffs’ Rule 59(e) Motion to Alter or Amend the Judgment. (Dkt. No. 605.)

Curling Plaintiffs oppose any relief requested by Coalition Plaintiffs that would require or permit the operation of any AccuVote scanners or of any component of the GEMS election management system for any future elections. (See Dkt. No. 605 at 2 (“At least two of the identified counties should use . . . currently certified AccuVote Optical Scanners and the GEMS election management system.”).) That is because Defendants’ operation of either that equipment or that system impermissibly burdens the right to vote.

To avoid burdening the Court with redundant arguments and evidence on this point, Curling Plaintiffs incorporate their past arguments and evidence here by reference. (*E.g.*, Dkt. No. 260-1 at 5-6, 6 n.6 (describing ability of a hacker to compromise an entire election via GEMS server attack requiring only “a few minutes access”); Dkt. No. 260-2, Halderman Decl. ¶¶ 30-31 (explaining vulnerabilities during ballot programming process); Dkt. No. 510-1, Halderman Decl. ¶¶ 10-17 (explaining that Defendants’ attempts to improve GEMS security have been inadequate); Dkt. No. 571 at 93:2-97:11 (summarizing various attack vectors on GEMS system including Secretary of State’s network and transmission of databases files to counties via CDs); *see also* Exhibit 1 (slides on GEMS vulnerabilities prepared by Dr. Halderman presented as demonstrative evidence at preliminary injunction hearing).)

The Court has made similar findings on the vulnerabilities of these components. (*See* Dkt. No. 579 at 46-47 (noting Dr. Shamos’ testimony that optical scanners can be manipulated); *Curling v. Kemp*, 334 F. Supp. 3d 1303, 1308-09 (N.D. Ga. 2018) (describing how the interface between GEMS servers and memory cards permits the transmission of malware to voting equipment).)

Dated: September 26, 2019

Respectfully submitted,

/s/ David D. Cross

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross

David D. Cross

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2019, a copy of the foregoing **CURLING PLAINTIFFS' RESPONSE TO COALITION PLAINTIFFS' MOTION TO AMEND THE JUDGMENT** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross  
David D. Cross